

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

JUDITH ROSWOLD-ZAWADA,

Plaintiff,

vs.

AMERICAN CORADIUS
INTERNATIONAL, LLC, d/b/a ACI,

Defendant.

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COMPLAINT

INTRODUCTION

1. Plaintiff Judith Roswold-Zawada brings this action to secure redress from unlawful credit and collection practices engaged in by defendant American Coradius International, LLC, doing business as ACI (“ACI”). Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”).

VENUE AND JURISDICTION

2. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA), 28 U.S.C. §1331 (federal question) and 28 U.S.C. §1337 (commerce).

3. Venue and personal jurisdiction in this District are proper because:

a. Defendant’s collection communications were received by plaintiff within this District; and

b. Defendant does or transacts business within this District.

PARTIES

4. Plaintiff Judith Roswold-Zawada is an individual who resides in Rockford, Illinois.

5. Defendant ACI is a limited liability company chartered under Delaware law with its principal office at 2420 Sweet Home Road, Suite 150, Amherst, NY 14228. It does business in Illinois. Its registered agent and office is Illinois Corporation Service Co., 801 Adlai

Stevenson Drive, Springfield, IL 62703. It uses the name ACI.

6. ACI is engaged in the business of using the mails and telephone to collect consumer debts originally owed to others.

7. ACI is a debt collector as defined in the FDCPA.

FACTS

8. Defendant has been attempting to collect from plaintiff an alleged debt incurred for personal, family or household purposes and not for business purposes.

9. On or about November 5, 2010, at 2.52 p.m., in the course of such debt collection efforts, defendant called a cell phone used by plaintiff's boyfriend. The call was placed from 716-418-7200, which is issued to and answered by defendant.

COUNT I – FDCPA

10. Plaintiff incorporates paragraphs 1-9.

11. Defendant thereby violated 15 U.S.C. §1692c.

12. Section 1692c provides:

§ 1692c. Communication in connection with debt collection [Section 805 of P.L.]

... (b) Communication with third parties--Except as provided in section 1692b of this title, without the prior consent of the consumer given directly to the debt collector, or the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a postjudgment judicial remedy, a debt collector may not communicate, in connection with the collection of any debt, with any person other than the consumer, his attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the debt collector. . . .

WHEREFORE, the Court should enter judgment in favor of plaintiff and against defendant for:


- (1) Statutory and actual damages;
- (2) Attorney's fees, litigation expenses and costs of suit; and
- (3) Such other and further relief as the Court deems proper.

s/ Daniel A. Edelman
Daniel A. Edelman

Daniel A. Edelman
Cathleen M. Combs
James O. Lattuner
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VERIFICATION

The undersigned declares under penalty of perjury that the statements in the foregoing complaint are true and accurate to the best of her knowledge and belief.


Judith Roswold-Zawada

NOTICE OF LIEN AND ASSIGNMENT

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards. All rights relating to attorney's fees have been assigned to counsel.

s/ Daniel A. Edelman
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